

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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STEVE J. BANK,

Plaintiff,

v.

NEVADA SUPREME COURT, et al.,  
Defendants.

Case No. 2:14-cv-01482-MMD-NJK

ORDER ADOPTING AND ACCEPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
NANCY J. KOPPE

Before the Court is the Report and Recommendation of United States Magistrate Judge Nancy J. Koppe (dkt. no. 8) ("R&R") relating to plaintiff's failure to comply with Local Special Rule ("LSR") 2-2 requiring plaintiff to change his address. No objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to

1 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
3 view that district courts are not required to review "any issue that is not the subject of an  
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
5 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
7 which no objection was filed).


8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
9 determine whether to adopt Magistrate Judge Koppe's R&R. The R&R recommended  
10 dismissal of this action with prejudice, based upon Plaintiff's failure to notify the Court of  
11 his change of address pursuant to LSR 2-2. The R&R indicated that the Clerk's office  
12 attempted twice to mail notice of the Court's Order (dkt. no. 4) to plaintiff. Those two  
13 notices, as well as the R&R, that were mailed to Plaintiff were returned as undeliverable.  
14 (See dkt. nos. 6, 9 and 10.) Additionally, Plaintiff violated the Court's Order that he show  
15 cause in writing why the Court should not recommend dismissal. (The Clerk's Office  
16 mailed notice of the Order to Show Cause (dkt. no. 7) to Plaintiff at his last-known  
17 address. To date, that notice has not been returned as undeliverable.) Upon reviewing  
18 the R&R and records in this case, this Court finds good cause to adopt the Magistrate  
19 Judge's R&R in full.

20 It is therefore ordered, adjudged and decreed that the Report and  
21 Recommendation of Magistrate Judge Nancy J. Koppe (dkt. no. 8) is accepted and  
22 adopted in its entirety.

23 It is ordered that this action is dismissed with prejudice.

24 The Clerk is directed to close this case.

25 DATED THIS 14<sup>th</sup> day of May 2015.

26  
27   
28 MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE